SUPREME COURT, U. S.

FILED

AUG 14 1970

E. ROBERT SEAVER, CLERK

Supreme Court of the United States

October Term, 1969

No. 40, Original

COMMONWEALTH OF PENNSYLVANIA,
Plaintiff,

v.

STATE OF NEW YORK, ET AL.,
Defendants.

ANSWER OF THE COMMONWEALTH OF VIRGINIA

ANDREW P. MILLER
Attorney General of Virginia

LEE F. DAVIS, JR.
Assistant Attorney General

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Assistant Attorney General

Supreme Court Building
1101 East Broad Street
Richmond, Virginia 23219

August 11, 1970

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STATE OF NEW YORK, ET AL.,
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ANSWER OF THE COMMONWEALTH OF VIRGINIA

Now comes the Commonwealth of Virginia, one of the defendants herein, by and through her Attorney General, and in answer to the allegations contained in the numbered paragraphs of the plaintiff's complaint, answers and says:

1. The allegations of paragraph 1 of the complaint are admitted.

2. The allegations of paragraph 2 of the complaint are admitted.

3. The allegations of paragraph 3 of the complaint are admitted.

4. The allegations of paragraph 4 of the complaint are admitted.

5. For answer to paragraph 5 of the complaint, this defendant admits that it is asserting rights which are contrary to the claims of Pennsylvania.

6. The allegations of paragraph 6 of the complaint are admitted.

7. The allegations of paragraph 7 of the complaint are admitted.

8. The allegations of paragraph 8 of the complaint are admitted.

9. The allegations of paragraph 9 of the complaint are admitted.

10. The allegations of paragraph 10 of the complaint are admitted.

11. The allegations of paragraph 11 of the complaint are admitted.

12. The allegations of paragraph 12 of the complaint are admitted.

13. The allegations of paragraph 13 of the complaint are admitted.

14. The allegations of paragraph 14 of the complaint are admitted.

15. The allegations of paragraph 15 of the complaint are admitted.

16. The allegations of paragraph 16 of the complaint are admitted.

17. The allegations of paragraph 17 of the complaint are admitted.

18. The allegations of paragraph 18 of the complaint are admitted.

19. The allegations of paragraph 19 of the complaint are admitted.

20. The allegations of paragraph 20 of the complaint are admitted.

21. The allegations of paragraph 21 of the complaint are admitted.

22. The allegations of paragraph 22 of the complaint are admitted.

23. The allegations of paragraph 23 of the complaint are admitted.

24. For answer to paragraph 24 of the complaint, this defendant says that it has no knowledge of the position of the State of Florida as to the escheat of money orders.

25. For answer to paragraph 25 of the complaint, this defendant says that it has no knowledge of the position of the State of Oregon as to the escheat of money orders.

26. The allegations of paragraph 26 of the complaint are admitted. The escheat of money orders in Virginia is governed by chapter 11.1 of Title 55 of the Code of Virginia (1950), as amended, (1960 Acts of Assembly, ch. 330; 1964 Acts of Assembly, ch. 466; 1970 Acts of Assembly, ch. 158). A copy of such statutes is attached as an appendix hereto.

27. The allegations of paragraph 27 of the complaint are admitted.

28. The allegations of paragraph 28 of the complaint are admitted.

29. The allegations of paragraph 29 of the complaint are admitted.

30. The allegations of paragraph 30 of the complaint are admitted insofar as they relate to the money orders as to which no drafts were issued, except that this defendant does not know that any state claims such amounts as the state of destination.

The allegations of paragraph 30 of the complaint are admitted insofar as they relate to the money orders as to which drafts were issued, except that this defendant does not admit that "payment" is necessary to relieve Western Union of its obligation to the sender; this defendant alleges that the issuance of the draft to the sendee fulfills its contract with the sender and leaves Western Union liable only to the sendee.

31. The allegations of paragraph 31 of the complaint are admitted.

32. For answer to paragraph 32 of the complaint, this defendant alleges that the question before this Court is not whether issuance of a draft constitutes absolute or unconditional payment of a money order but whether, under the terms of its contract, Western Union becomes liable to the payee of the draft upon its issuance.

33. The allegations of paragraph 33 of the complaint are admitted.

34. The allegations of paragraph 34 of the complaint are admitted.

35. The allegations of paragraph 35 of the complaint are admitted.

Now, having fully answered, the Commonwealth of Virginia joins in the enumerated prayers (3) through (7) of the complaint and further prays that it may have such other and further relief as this Court may deem just.

COMMONWEALTH OF VIRGINIA

ANDREW P. MILLER
Attorney General of Virginia

LEE F. DAVIS, JR.
Assistant Attorney General

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APPENDIX

CODE OF VIRGINIA (1950), AS AMENDED

Title 55, Chapter 11.1—Disposition of Unclaimed Property

ARTICLE 1.

Citation of Chapter and Definitions.

§ 55-210.1. CITATION OF CHAPTER.—This chapter may be cited as "The Uniform Disposition of Unclaimed Property Act."

§ 55-210.2. DEFINITIONS.—As used in this chapter, unless the context otherwise requires:

(a) *"Banking organization"* means any bank, trust company, savings bank or a private banker engaged in business in this State, or a bank as defined in § 6-6 of the Code of Virginia.

(b) *"Business association"* means any corporation (other than a public corporation), joint-stock company, business trust, partnership, or any association for business purposes of two or more individuals.

(c) *"Financial organization"* means any savings and loan association, building and loan association, credit union, or investment company, engaged in business in this State.

(d) *"Holder"* means any person in possession of property subject to this chapter belonging to another, or who is trustee in case of a trust, or is indebted to another or an obligation subject to this chapter.

(e) *"Life insurance corporation"* means any association or corporation transacting within this State the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.

(f) *"Owner"* means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant, or payee

in case of other choses in action, or any person having a legal or equitable interest in property subject to this chapter, or his legal representative.

(g) *"Person"* means any individual, business association, government or political subdivision, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

(h) *"Utility"* means any person who owns or operates within this State, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

ARTICLE 2.

Property Abandoned or Presumed Abandoned.

§ 55-210.3. WHEN INTANGIBLE PERSONAL PROPERTY HELD OR OWING BY BANKING OR FINANCIAL ORGANIZATION PRESUMED ABANDONED.—The following property held or owing by a banking or financial organization is presumed abandoned:

(a) Any demand, savings, or matured time deposit made in this State with a banking organization, together with any interest or dividend thereon, excluding any charges that may lawfully be withheld, unless the owner has, within seventeen years:

(1) Increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest; or

(2) Corresponded in writing with the banking organization concerning the deposit; or

(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization.

(b) Any funds paid in this State toward the purchase of shares or other interest in a financial organization or any deposit made therewith in this State, and any interest or dividends thereon, excluding any charges that may lawfully be withheld, unless the owner has within seventeen years:

(1) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds or deposits; or

(3) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization.

(c) Any sum payable on checks certified in this State or on written instruments issued in this State on which a banking or financial organization is directly liable, including, by way of illustration but not of limitation, certificates of deposit, drafts and traveler's checks, that has been outstanding for more than seventeen years from the date it was payable, or from the date of its issuance if payable on demand, unless the owner has within seventeen years corresponded in writing with the banking or financial organization concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization.

(d) Any funds or other personal property, tangible or intangible, removed from a safe-deposit box or any other safekeeping repository in this State on which the lease or

rental period has expired due to nonpayment of rental charges or other reason, or any surplus amounts arising from the sale thereof pursuant to law, that have been unclaimed by the owner for more than seventeen years from the date on which the lease or rental period expired.

§ 55-210.4. WHEN FUNDS HELD AND OWING BY LIFE INSURANCE CORPORATION PRESUMED ABANDONED.—(a) Unclaimed funds, as defined in this section, held and owing by a life insurance corporation shall be presumed abandoned if, the last known address, according to the records of the corporation, of the person entitled to the funds is within this State. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the corporation.

(b) "Unclaimed funds," as used in this section, means all moneys held and owing by any life insurance corporation unclaimed and unpaid for more than seven years after the moneys became due and payable as established from the records of the corporation under any life or endowment insurance policy or annuity contract which has matured or terminated. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding seven years, (1) assigned, readjusted, or paid premiums on the policy, or subject the policy to

loan, or (2) corresponded in writing with the life insurance corporation concerning the policy. Moneys otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

§ 55-210.5. WHEN FUNDS HELD OR OWING BY UTILITY PRESUMED ABANDONED.—The following funds held or owing by any utility are presumed abandoned:

(a) Any deposit made by a subscriber with a utility subsequent to nineteen hundred fifty-one to secure payment for, or any sum paid in advance for, utility services to be furnished in this State, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven years after the termination of the services for which the deposit or advance payment was made.

(b) Any sum which a utility has been ordered to refund and which was received for utility services rendered in this State, together with any interest thereon, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven years after the date it became payable in accordance with the final determination or order providing for the refund.

§ 55-210.6. WHEN STOCK IN OR SUM HELD OR OWING BY BUSINESS ASSOCIATION PRESUMED ABANDONED.—Any stock or other certificate of ownership, or any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the

business association concerning it, within seven years after the date prescribed for payment or delivery, is presumed abandoned if:

(a) It is held or owing by a business association organized under the laws of or created in this State; or

(b) It is held or owing by a business association doing business in this State, but not organized under the laws of or created in this State, and the records of the business association indicate that the last known address of the person entitled thereto is in this State.

§ 55-210.6:1. WHEN INTANGIBLE INTEREST IN BUSINESS ASSOCIATION PRESUMED ABANDONED.—(a) Any intangible interest in a business association, as evidenced by the stock records or membership records of the association, is presumed abandoned if (1) the interest in the association is owned by a person who for more than seventeen years has neither claimed a dividend or other sum nor corresponded in writing with the association or otherwise indicated an interest as evidenced by a memorandum or other record on file with the association, and (2) the association does not know the location of the owner at the end of such seventeen-year period. With respect to such interest, the business association shall be deemed the holder.

(b) Any dividend or other distribution held for or owing to a person at the time the stock or other security to which such dividend or other distribution attaches, is considered abandoned at the same time.

§ 55-210.7. WHEN INTANGIBLE PERSONAL PROPERTY DISTRIBUTABLE IN COURSE OF BUSINESS ASSOCIATION, ETC., PRESUMED ABANDONED.—All intangible personal property distributable in the course of a voluntary dissolution of a business association, banking organization, or financial or-

ganization organized under the laws of or created in this State, that is unclaimed by the owner within two years after the date for final distribution, is presumed abandoned.

§ 55-210.8. WHEN INTANGIBLE PERSONAL PROPERTY HELD IN FIDUCIARY CAPACITY PRESUMED ABANDONED.—All intangible personal property and any income or increment thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within seven years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary:

(a) If the property is held by a banking organization or a financial organization, or by a business association organized under the laws of or created in this State; or

(b) If it is held by a business association, doing business in this State, but not organized under the laws of or created in this State, and the records of the business association indicate that the last known address of the person entitled thereto is in this State; or

(c) If it is held in this State by any other person.

§ 55-210.9. WHEN INTANGIBLE PERSONAL PROPERTY HELD FOR OWNER BY COURT OR OTHER PUBLIC AGENCY PRESUMED ABANDONED.—All intangible personal property held for the owner by any State or federal court, public corporation, public authority, or public officer in this State, or a political subdivision thereof, that has remained unclaimed by the owner for more than seven years is presumed abandoned, provided, however, that this provision shall in no way affect the laws of this State relating to such property in the custody or control of any State court or on deposit or

that may be deposited in a bank or other depository to the credit of any court in any cause, and provided further that if any federal statute provides for the distribution of any unclaimed property subject to the jurisdiction of a federal court, this statute shall not apply.

§ 55-210.10. WHEN OTHER INTANGIBLE PERSONAL PROPERTY HELD OR OWING IN ORDINARY COURSE OF HOLDER'S BUSINESS PRESUMED ABANDONED.—All intangible personal property, not otherwise covered by this chapter, including any income or increment thereon and deducting any lawful charges, that is held or owing in this State in the ordinary course of the holder's business and has remained unclaimed by the owner for more than seven years after it became payable or distributable is presumed abandoned.

ARTICLE 3.

Reciprocity for Property Presumed Abandoned or Escheated Under the Laws of Another State.

§ 55-210.11. WHEN CERTAIN PROPERTY NOT PRESUMED ABANDONED IN THIS STATE.—If specific property which is subject to the provisions of §§ 55-210.3, 55-210.6, 55-210.7, 55-210.8 and 55-210.10 is held for or owed or distributable to an owner whose last known address is in another state by a holder who is subject to the jurisdiction of that state, the specific property is not presumed abandoned in this State and subject to this chapter if:

(a) It may be claimed as abandoned or escheated under the laws of such other state; and

(b) The laws of such other state make reciprocal provision that similar specific property is not presumed abandoned or escheatable by such other state when held for or owed or distributable to an owner whose last known address is

within this State by a holder who is subject to the jurisdiction of this State.

ARTICLE 4.

Procedural and Administrative Matters.

§ 55-210.12. REPORT TO BE MADE BY HOLDER OF FUNDS OR PROPERTY PRESUMED ABANDONED; HOLDER TO EXERCISE DUE DILIGENCE TO LOCATE OWNER.—(a) Every person holding funds or other property, tangible or intangible, presumed abandoned under this chapter shall report to the State Treasurer with respect to the property as hereinafter provided.

(b) The report shall be verified and shall include:

(1) The name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of the value of fifty dollars or more presumed abandoned under this chapter;

(2) In case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant and his last known address according to the life insurance corporation's records;

(3) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under fifty dollars each may be reported in aggregate;

(4) The date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property; and

(5) Other information which the State Treasurer prescribes by rule as necessary for the adminsitration of this chapter.

(c) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The report shall be filed before November one of each year as of June thirty next preceding, but the report of life insurance corporations shall be filed before May one of each year as of December thirty-one next preceding. The State Treasurer may postpone the reporting date upon written request by any person required to file a report.

(e) If the holder of property presumed abandoned under this chapter knows the whereabouts of the owner and if the owner's claim has not been barred by the statute of limitations, the holder shall, before filing the annual report communicate with the owner and take necessary steps to prevent abandonment from being presumed. The holder shall exercise due diligence to ascertain the whereabouts of the owner.

(f) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

(g) The initial report filed under this chapter shall include all items of property that would have been presumed abandoned if this chapter had been in effect during the ten-year period preceding January one, nineteen hundred sixty-one.

§ 55-210.13. NOTICES TO BE PUBLISHED AND MAILED BY STATE TREASURER.—(a) Within one hundred twenty days from the filing of the report required by § 55-210.12, the

State Treasurer shall cause notice to be published at least once each week for two successive weeks in an English language newspaper of general circulation in the county or city in this State in which is located the last known address of any person to be named in the notice. If no address is listed or if the address is outside this State, the notice shall be published in the county or city in which the holder of the abandoned property has his principal place of business within this State.

(b) The published notice shall be entitled "Notice of Names of Persons Appearing to Be Owners of Abandoned Property," and shall contain:

(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice within the county as hereinbefore specified.

(2) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the State Treasurer.

(3) A statement that if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction within sixty-five days from the date of the second published notice, the abandoned property will be placed not later than eighty-five days after such publication date in the custody of the State Treasurer to whom all further claims must thereafter be directed.

(c) The State Treasurer is not required to publish in such notice any item of less than twenty-five dollars unless he deems such publication to be in the public interest.

(d) Within one hundred twenty days from receipt of the report required by § 55-210.12, the State Treasurer shall mail a notice to each person having an address listed therein who appears to be entitled to property of the value of twenty-five dollars or more presumed abandoned under this chapter.

(e) The mailed notice shall contain:

(1) A statement that, according to a report filed with the State Treasurer, property is being held to which the addressee appears entitled.

(2) The name and address of the person holding the property and any necessary information regarding changes of name and address of the holder.

(3) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the State Treasurer to whom all further claim must be directed.

§ 55-210.14. WHEN PROPERTY PRESUMED ABANDONED TO BE PAID OR DELIVERED TO STATE TREASURER.—Every person who has filed a report as provided by § 55-210.12 shall within twenty days after the time specified in § 55-210.13 for claiming the property from the holder pay or deliver to the State Treasurer all abandoned property specified in the report, except that, if the owner establishes his right to receive the abandoned property to the satisfaction of the holder within the time specified in § 55-210.13, or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property, which will no longer be presumed abandoned, to the State Treasurer, but in lieu thereof shall file a verified

written explanation of the proof of claim or of the error in the presumption of abandonment.

§ 55-210.15. HOLDER RELIEVED OF LIABILITY FOR PROPERTY PAID OR DELIVERED TO STATE TREASURER; PAYMENT TO OWNER BY HOLDER; PROCEEDINGS AGAINST PRIOR HOLDER; NOTICE TO STATE TREASURER AND ATTORNEY GENERAL; REIMBURSEMENT OF HOLDER.—(a) Upon the payment or delivery of abandoned property to the State Treasurer, the State shall assume custody and shall be responsible for the safekeeping thereof. Any person who pays or delivers abandoned property to the State Treasurer under this chapter is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property. Any holder who has paid moneys to the State Treasurer pursuant to this chapter may make payment to any person appearing to such holder to be entitled thereto, and upon proof of such payment and proof that the payee was entitled thereto, the State Treasurer shall forthwith reimburse the holder for the payment.

(b) In the event legal proceedings are instituted against a prior holder in a court of this State, or in any other state or federal court, by any other state claiming to be entitled to unclaimed funds or abandoned property previously paid or delivered to the State Treasurer, such holder shall give written notice to the State Treasurer and the Attorney General of this State of such proceedings within ten days after service of process, or in the alternative at least ten days before the return date on which an answer or similar pleading is required to be filed. The Attorney General may intervene or take such other action as he deems appropriate or necessary to protect the interests of this State.

(c) If the notice provided in paragraph (b) is given by the holder and thereafter a judgment is entered against the holder for any amount paid to the State Treasurer pursuant to the terms of this chapter, the State Treasurer shall, upon being furnished with proof thereof, return to the holder the amount of such judgment, not to exceed, however, the amount of the abandoned property paid to the State Treasurer.

§ 55-210.16. OWNER NOT ENTITLED TO INCOME OR OTHER INCREMENTS—When property is paid or delivered to the State Treasurer under this chapter, the owner is not entitled to receive income or other increments accruing thereafter.

§ 55-210.17. EFFECT OF EXPIRATION OF PERIOD DURING WHICH ACTION OR PROCEEDING MAY BE COMMENCED OR ENFORCED.—The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, shall not prevent the money or property from being presumed abandoned property, not affect any duty to file a report required by this chapter or to pay or deliver abandoned property to the State Treasurer.

§ 55-210.18. SALE OF ABANDONED PROPERTY BY STATE TREASURER.—(a) All abandoned property other than money delivered to the State Treasurer under this chapter shall within one year after the delivery be sold by him to the highest bidder at public sale in whatever city, in the State affords in his judgment the most favorable market for the property involved. The State Treasurer may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if,

in his opinion, the probable cost of sale exceeds the value of the property.

(b) Any sale held under this section shall be preceded by a single publication of notice thereof, at least three weeks in advance of sale in an English language newspaper of general circulation in the county or city where the property is to be sold.

(c) The purchaser at any sale conducted by the State Treasurer pursuant to this chapter shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The State Treasurer shall execute all documents necessary to complete the transfer of title.

§ 55-210.19. DISPOSITION OF FUNDS RECEIVED UNDER CHAPTER; RECORDS TO BE KEPT BY STATE TREASURER.—(a) All funds received under this chapter, including the proceeds from the sale of abandoned property under § 55-210.18, shall forthwith be deposited by the State Treasurer in the Literary Fund of the State, except that the State Treasurer shall retain in a separate trust fund an amount not exceeding twenty-five thousand dollars from which he shall make prompt payment of claims duly allowed by him as hereinafter provided. Before making the deposit he shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

(b) Before making any deposit to the credit of the Literary Fund the State Treasurer may deduct: (1) any costs in connection with sale of abandoned property, (2) any costs of mailing and publication in connection with any abandoned property, and (3) reasonable service charges.

§ 55-210.20. FILING CLAIM TO PROPERTY OR PROCEEDS OF SALE THEREOF.—Any person claiming an interest in any property delivered to the State under this chapter may file a claim thereto or to the proceeds from the sale thereof on the form prescribed by the State Treasurer.

§ 55-210.21. CONSIDERATION OF AND HEARING ON CLAIM BY STATE TREASURER.—(a) The State Treasurer shall consider any claim filed under this chapter and may hold a hearing and receive evidence concerning it. If a hearing is held, he shall prepare a finding and a decision in writing on each claim filed, stating the substance of any evidence heard by him and the reasons for his decision. The decision shall be a public record.

(b) If the claim is allowed, the State Treasurer shall make payment forthwith. The claim shall be paid without deduction for costs of notices or sale or for service charges.

§ 55-210.22. JUDICIAL REVIEW OF DECISION OF STATE TREASURER.—Any person aggrieved by a decision of the State Treasurer or as to whose claim the State Treasurer has failed to act within ninety days after the filing of the claim, may commence an action in the circuit or corporation court of the county or city wherein the property claimed is situated to establish his claim. The proceeding shall be brought within ninety days after the decision of the State Treasurer or within one hundred eighty days from the filing of the claim if the State Treasurer fails to act.

§ 55-210.23. ELECTION OF STATE TREASURER NOT TO RECEIVE PROPERTY OR TO POSTPONE TAKING POSSESSION OF FUNDS.—The State Treasurer after receiving reports of property deemed abandoned pursuant to this chapter, may decline to receive any property reported which he deems to have a value less than the cost of giving notice and holding sale, or he may, if he deems it desirable because of the small sum involved, postpone taking possession until a sufficient sum accumulates. Unless the holder of the property is notified to the contrary within one hundred twenty days after filing the recort required under § 55-210.12, the State Treasurer shall be deemed to have elected to receive the custody of the property.

§ 55-210.24. STATE TREASURER MAY EXAMINE RECORDS OF PERSONS FAILING TO REPORT PROPERTY.—The State Treasurer may at reasonable times and upon reasonable notice examine the records of any person if he has reason to believe that such person has failed to report property that should have been reported pursuant to this chapter.

§ 55-210.25. ACTION BY STATE TREASURER TO ENFORCE DELIVERY OF PROPERTY.—If any person refuses to deliver property to the State Treasurer as required under this chapter, he shall bring an action in a court of appropriate jurisdiction to enforce such delivery.

§ 55-210.26. PENALTIES FOR FAILURE TO MAKE REPORT OR TO PAY OR DELIVER PROPERTY TO STATE TREASURER.—(a) Any person who wilfully fails to render any report or perform other duties required under this chapter, shall be punished by a fine of one hundred dollars for each day such report is withheld.

(b) Any person who wilfully refuses to pay or deliver abandoned property to the State Treasurer as required

under this chapter shall be punished by a fine of not less than one hundred dollars or imprisonment for not more than one month, or both, in the discretion of the court.

§ 55-210.27. RULES AND REGULATIONS OF STATE TREASURER.—The State Treasurer may make necessary rules and regulations to carry out the provisions of this chapter.

§ 55-210.28. PROPERTY PRESUMED ABANDONED OR ESCHEATED UNDER LAWS OF ANOTHER STATE.—This chapter shall not apply to any property that has been presumed abandoned or escheated under the laws of another state prior to January one, nineteen hundred sixty-one.

§ 55-210.29. CONSTRUCTION OF CHAPTER.—This chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

CERTIFICATE OF SERVICE

I, William M. Phillips, an Assistant Attorney General of Virginia, a member of the Bar of the Supreme Court of the United States and one of the counsel for the Commonwealth of Virginia in the above-captioned matter, hereby certify that copies of this Answer of the Commonwealth of Virginia have been served upon counsel for the parties hereto by depositing the same in the United States Post Office with first-class postage prepaid, this 11th day of August, 1970, pursuant to the provisions of Rule 33(1) of the Rules of the Supreme Court of the United States, as follows:

1. Commonwealth of Pennsylvania
   Honorable William C. Sennett
   Attorney General of the
   Commonwealth of Pennsylvania
   Harrisburg, Pennsylvania 17120

2. State of New York
   Honorable Louis J. Lefkowitz
   Attorney General of the State of New York
   Albany, New York

3. State of Florida
   Honorable Earl Faircloth
   Attorney General of the State of Florida
   Tallahasse, Florida

4. State of Oregon
   Honorable Lee Johnson
   Attorney General of the State of Oregon
   Salem, Oregon

5. The Western Union Telegraph Company
   Peter F. Oates, Esquire
   Assistant General Counsel
   The Western Union Telegraph Company
   60 Hudson Street
   New York, New York

All parties required to be served have been served.

WILLIAM M. PHILLIPS
Assistant Attorney General